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** Passed the Patent Bar Examination

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March 26, 2002

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Commissioner for Patents
Washington, D.C. 20231

Re: In re the application of: Wilhelm Amberg, *et al.*
Title: *ANTINEOPLASTIC PEPTIDES*
Filed: January 9, 2001
Serial No. 09/757,142
Attorney Docket No.: BBI-6026CPCN (formerly 2079.1009-001)

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Amendment and Response to Notice to Comply with Sequence Rules 37 C.F.R. §§ 1.821-1.825 (4 pgs. including 1 pg. of Appendix A and 1 pg. of Appendix B);
2. Copy of Notice to Comply with Requirements (4 pgs.);
3. Notification of Change of Attorney Docket Number (1 pg.); and
4. A pre-paid, acknowledgement postcard.

Please charge any fees or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. *A duplicate of this sheet is enclosed.*

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date set forth below.

March 26, 2002

Date of Signature and of Mail Deposit

Peter C. Lauro, Esq., Reg. No. 32,360

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,142	01/09/2001	Wilhelm Amberg	2079-1009-001	6617222900
7590	02/26/2002 ✓		B61-6026C (21)	
Guilio A. DeConti, Jr., Esq. Lahive & Cockfield, L.L.P. 28 State Street Boston, MA 02109			EXAMINER	CELSA, BENNETT M
			ART UNIT	PAPER NUMBER
			1627	

*DOCKETED
March 28, 2002 by Festeney
Aug 28, 2002 ESP WISMAP

Please find below and/or attached an Office communication concerning this application or proceeding.

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*Mr. R. J. Hall
3/15/02*

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SERIAL NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO.

09/757,142

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EXAMINER	
ART UNIT	PAPER NUMBER
1627	5

Please find below a communication from the EXAMINER in charge of this application

Sequence Rules : Bonafide Attempt Letter.

Applicant's computer readable form (CRF) in disc format has been entered.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures; e.g. *that the specification (e.g. see specification examples), claims and/or drawings contain sequences that require sequence identifiers.*

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Venkat whose telephone number is (703) 308-0570. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (art unit 1627)

February 25, 2002

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[Signature]

APR 05 2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.822.
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- 7. Other: seq identifiers missing from specification

Applicant must provide:

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- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123
 For CRF submission help, call (703) 308-4212
 For PatentIn software help, call (703) 308-6856

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Please return a copy of this notice with your response.

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Attachment for PTO-948 (Rev. 03/01, or earlier)

6/18/01

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The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

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